

### REMARKS

Claims 1 and 3-5 are pending. Independent claims 1 and 4 are currently amended. It is not seen that the foregoing amendments raise any new issues or require any further search, since this issue was previously raised.

Claims 1 and 3-5 were rejected as unpatentable under 35 U.S.C. § 103(a) over d'Orsay (U.S. Patent No. 4,204,270) or Amano (U.S. Patent No. 6,278,912). Independent claims 1 and 4, as amended, recite the vehicle posture detecting means includes one and only one sensor. For example, lines 26-36 on page 12 of the specification recite a "one sensor method" in which a change in height of the front and rear parts of a vehicle are detected using a single vehicle height detecting means in the axle portion of a rear wheel.

In view of the foregoing amendments and the following remarks, applicant respectfully requests reconsideration.

1. Regarding the d'Orsay patent, the Office action alleges it would have been obvious to one of ordinary skill in the art to utilize fewer sensors in order to lower manufacturing costs (page 7, Office action). Applicant respectfully disagrees. The d'Orsay patent discloses two sensors  $C_1$  and  $C_2$  that indicate the distances  $d_1$  and  $d_2$  of the front and rear of a vehicle body in relation to the road 4 (*see* FIG. 1, col. 4, lines 29-33). A headlight adjustment angle  $\alpha_0$  is then calculated as a function of the distances  $d_1$  and  $d_2$  determined by *both* sensors  $C_1$  and  $C_2$  (col. 4, lines 38-50). If either sensor  $C_1$  or  $C_2$  were removed, the equation disclosed for angle  $\alpha_0$  could no longer be calculated. Therefore, if the d'Orsay patent was modified to use only a single sensor, it would cease to function as disclosed.

Furthermore, the dependent claims recite additional features that are not disclosed or suggested by the d'Orsay patent. Claims 3 and 5 recite that an acceleration or deceleration is detected by a running state detection means. Specific examples of running state detection means are disclosed, for example, at page 11, lines 15-24.

The Office action alleges, however, that the d'Orsay patent provides a running state detecting means for detecting a running state of the vehicle (pages 3-4, Office action). This is incorrect. The d'Orsay patent does not, in any way, disclose or suggest a means of detecting the running state of the vehicle. Instead, the cited reference only discloses a means for detecting vehicle posture (col. 4, lines 29-33) and for detecting a variation in load that takes place during acceleration or deceleration of the vehicle (col. 1, lines 24-25). Neither of these detection methods are equivalent to detecting the running state of a vehicle.

For at least the foregoing reasons, it is clear that the pending claims would not have been obvious to one of ordinary skill in the art over the d'Orsay patent at the time the instant invention was made.

2. The Amano patent discloses a height sensor 11 arranged in a rear wheel for detecting a vehicle height  $hr$  (col. 4, lines 13-17). A pitch angle  $\theta$  of the vehicle is determined by calculating the arctangent of the difference between a virtual vehicle front wheel height  $hfk$  and  $hr$  divided by the wheel base length  $w$  of the vehicle.

The Office action alleges that the wheel base length  $w$  corresponds to the vehicle forward visible distance "L" as recited in claims 1 and 4 of the present application (page 6, Office action). This is incorrect. As FIG. 2 clearly shows,  $w$  instead represents the distance between the front and rear wheel reference positions (col. 1, line 20). In fact, the Amano patent does not disclose any variable or parameter that corresponds to a vehicle "forward visible distance." Therefore, it would not have been obvious nor would it have been possible for one of ordinary skill in the art to modify the Amano patent in order to obtain the features of present claims 1 and 4. Claims 3 and 5 are allowable over the Amano patent for at least the same reasons.

At least for the foregoing reasons, claims 1 and 3-5 should be allowed and the rejections withdrawn.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

### **Conclusion**

In view of the above remarks, all remaining claims are allowable and a notice of allowance should be issued.

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Serial No. : 10/716,245  
Filed : November 18, 2003  
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Attorney's Docket No.: 10973-111001 / K43-  
160304M/SMI

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Date: 2/28/2006



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